

From: Morgan Hall
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Comment on Microsoft Settlement

Greetings,

Thank you for the opportunity to comment on the pending Microsoft anti-trust settlement.

I am not learned in law, but I am opposed to the settlement proposed by the Department of Justice for several reasons:

1. First and most important -- Microsoft's past actions have shown them not to be trustworthy. As I understand it, this case came about because they found a loophole in the earlier judgement and did violence to the spirit of it while barely following the letter. Common sense tells me that one cannot reasonably assume that their corporate culture will change in a very short time.
2. Microsoft's present behaviour shows that they are still attempting to leverage their monopoly into more and more areas.
3. Even I, a total novice in points of law, can see several glaring loopholes in the proposed settlement. For example, by declaring certain interfaces as sensitive to security breaches, it may be possible to totally disable programs such as 'samba' that allow non-Microsoft software to interoperate with Microsoft software.

I would suggest that some sort of relief be crafted that would accomplish the following:

1. Ensure that non-Microsoft software could operate easily and fully (all functions work!) with Microsoft software.
2. All Microsoft file formats be fully documented and open. Thus other applications could be crafted to seamlessly interoperate with Microsoft products.
3. Establish some form of interoperability oversight body that has real teeth. A body consisting of at least five experts in the art of programming, which Microsoft has no voice beyond a single non-voting representative. Independent developers could take problems with Microsoft interoperability, documentation of interoperability, file formats, and documentation of file formats to this board. The board should have the authority, should Microsoft be recalcitrant, to stop shipments and sequester all income until the problem is resolved.
4. Establish that whatever prices Microsoft charges for software will

be applied uniformly (with volume discounts as appropriate). This should include such things as co-operative advertising and other forms of non-cash remuneration to VAR's and retailers. Should a VAR (for example) be 'punished' by Microsoft for using or reselling non-Microsoft products, the person or business should be entitled to at least triple damages.

I feel that unless there is a real, strong, incentive to comply, Microsoft will continue acting barely within their interpretation of the letter of the law and ignoring the spirit of it, as well as ignoring any semblance of ethical behaviour.

Thank you again, for this opportunity to comment.

Morgan Hall